

12-0-1621

(Do Not Write Above This Line)

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent V Vote RC Vote

AN ORDINANCE BY COUNCIL MEMBER
Alan Willic
 AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND/OR TEMPORARY EASEMENTS IN FULTON COUNTY GEORGIA FOR THE PURPOSES OF ACQUIRING THE RIGHT TO ATTACH SUPPORTS FOR TENSION SUPPORT CABLING USED IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR) PROJECT 111097 (STREETCAR PHASE 1); AND FOR OTHER PURPOSES.
substitute

Committee *Fin. / Econ*
 Date *11-14-12*
 Chair *Shirley H. Brown*
 Action
 Fav, Adv, Hold (see rev. side)
 Other *on substitute*
 Members *David L. ...*

Committee _____
 Date _____
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

CERTIFIED
 NOV 19 2012
 COUNCIL PRESIDENT PROTTEM
Frankie Douglas Johnson
 MUNICIPAL CLERK

CONSENT REFER
 REGULAR REPORT REFER
 ADVERTISE & REFER
 1ST ADOPT 2ND READ & REFER
 PERSONAL PAPER REFER

ADOPTED BY
 Committee _____
 Date *NOV 19 2012*
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

Committee _____
 Date _____
 Chair _____
 Action
 Fav, Adv, Hold (see rev. side)
 Other _____
 Members _____

MAYOR'S ACTION
APPROVED
 NOV 28 2012
 WITHOUT SIGNATURE
 BY OPERATION OF LAW

Date Referred
 Referred To: *11/5/12 Finance Exec*
 Date Referred
 Referred To:
 Date Referred:
 Referred To:

Refer To

Refer To

MAYOR'S ACTION

APPROVED

NOV 28 2012

WITHOUT SIGNATURE
 BY OPERATION OF LAW



AN ORDINANCE

12-O-1621

BY COUNCIL MEMBERS H. LAMAR WILLIS AND AARON WATSON

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE PURCHASE OF PERMANENT AND/OR TEMPORARY EASEMENTS IN FULTON COUNTY GEORGIA FOR THE PURPOSES OF ACQUIRING THE RIGHT TO ATTACH SUPPORTS FOR TENSION SUPPORT CABLING USED IN CONNECTION WITH THE ATLANTA STREETCAR PROJECT; COSTS ASSOCIATED WITH THE REFERENCED EASEMENTS AND REAL PROPERTY ACQUISITION TO BE CHARGED TO AND PAID FROM FUND 2501 (INTERGOVERNMENTAL GRANT FUND) DEPARTMENT/ ORGANIZATION 040416 (EXE-CAPITAL PROJECTS) ACCOUNT 5710001 (PAYMENTS TO OTHER GOVERNMENTS) FUNCTION/ACTIVITY 7550001 (STREETCAR) PROJECT 111097 (STREETCAR PHASE 1) FUNDING SOURCE 11995 (STREET CAR ADID) 11996 (STREET CAR AURA) 91993 (STREET CAR COA); AND FOR OTHER PURPOSES.

WHEREAS, in connection with the construction and development of the Atlanta Streetcar Project, a modern electric streetcar the first phase of which will span approximately 2.8 miles in downtown Atlanta (the "Project"), it is necessary for the City of Atlanta (the "City") to acquire certain permanent and temporary easements and necessary rights-of-way from certain private property owners; and

WHEREAS, Ordinance 12-O-0568 adopted by City Council on May 21, 2012, and approved by operation of law on May 30, 2012, authorized the Chief Procurement Officer or his designee or consultant to negotiate and settle temporary or permanent easements, rights-of-way and other related property interests necessary to complete construction of the Project and waived Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code requiring further authorization of City Council in connection with three identified parcels of property; and

WHEREAS, since adoption of Ordinance 12-O-0568, the design-build contractor for the Project has identified five (5) properties set forth on Exhibit A hereto and incorporated herein by this reference (collectively, the "Property"), for which a temporary and/or permanent easement and partial taking is required; and

WHEREAS, in accordance with Section 4.01 of the Intergovernmental Agreement between the City, the Downtown Atlanta Improvement District and the Metropolitan Atlanta Rapid Transit Authority ("MARTA"), authorized by Atlanta City Council Ordinance 11-O-0327, MARTA is charged with providing technical support and oversight of construction and implementation services for the Project; and

WHEREAS, MARTA's procurement process as established by Section 14 of the MARTA Act, the MARTA by-laws, and applicable MARTA policies and procedures, are being utilized for the procurement of the contractor(s) who will provide the appraisals and appraisal reports in connection with any real property interests required to facilitate construction and development of the Project; and



WHEREAS, in order to meet the schedule deadlines imposed by the design-build contractor for acquisition of all necessary property interests in connection with the Project, the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code which require further authorization from City Council for the acquisition of permanent and temporary easements and real property described in this Ordinance should be waived.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That the Chief Procurement Officer, his designee or consultant is hereby authorized to obtain title reports, appraisal reports, land surveys, legal descriptions and environmental reports for the purpose of acquiring temporary and/or permanent easements and the necessary rights-of-way to complete construction of the Project for the Property.

SECTION 2: That the Chief Procurement Officer is authorized to use the procurement process of MARTA for the purpose of procuring the contractor who will be responsible for providing the necessary appraisal and appraisal reports, as required by Section 2-1541(c) of the Procurement and Real Estate Code.

SECTION 3: That the Chief Procurement Officer, his designee or consultant is hereby authorized to negotiate with each Property owner, to acquire temporary and/or permanent easements and the necessary rights-of-way to complete construction of the Project.

SECTION 4: That the Chief Procurement Officer, his designee or consultant is authorized to settle those acquisitions of the Property at an amount not to exceed ten percent (10%) or Two Hundred and Fifty and 00/100 Dollars (\$250.00), whichever is greater, above the estimated just compensation. The Chief Procurement Officer is authorized to settle, without further authorization of City Council, those acquisitions which exceed this limit. However, in no event, shall the Chief Procurement Officer's authority to negotiate or settle administratively such acquisitions without City Council authorization exceed twenty percent (20%) or Five Hundred and 00/100 Dollars (\$500.00), whichever is greater, above the estimated just compensation for the Property.

SECTION 5: That the requirements of Sections 2-1541(d) and 2-1545(d) of the Procurement and Real Estate Code, which require further authorization of City Council for the acquisition of permanent and temporary easements described in this Ordinance are waived.

SECTION 6: That the City Attorney or her designee is authorized to monitor and supervise the closing transactions in connection with the Property, with the assistance of the Chief Procurement Officer, his designee or consultant.

SECTION 7: That all costs associated with this Ordinance, including, but not limited to the cost of the appraisal and appraisal reports for the Property, will be charged to and paid from Fund 2501 (Intergovernmental Grant Fund) Department/Organization 040416 (EXE-Capital Projects) Account 5710001 (Payments to Other Governments) Function/Activity 7550001 (Streetcar) Project 111097 (Streetcar Phase 1) Funding Source 11995 (Street Car ADID) 11996 (Street Car AURA) 91993 (Street Car COA).



SECTION 8: That all ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only and only to the extent of the conflict.

A true copy,

A handwritten signature in black ink, appearing to read "J. Ball", written over a horizontal line.

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

November 19, 2012
November 28, 2012



EXHIBIT A

LIST OF PROPERTIES

1. 127 Peachtree Street, Atlanta, Georgia
2. 180 Peachtree Street, Atlanta, Georgia
3. 50 Hurt Plaza, Atlanta, Georgia
4. 150 Carnegie Way, Atlanta, Georgia
5. 134 Peachtree Street, Atlanta, Georgia